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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
DEL RIO DIVISION**

YOLANDA DE LEON RIVAS

Plaintiff,

88

V.

CIVIL ACTION NO. 3:15-CV-250

TRAVELERS HOME AND MARINE INSURANCE COMPANY

2000 COS

Defendant

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DEFENDANT TRAVELERS HOME AND MARINE INSURANCE COMPANY'S
NOTICE OF REMOVAL

Defendant TRAVELERS HOME AND MARINE INSURANCE COMPANY, (“Travelers” or “Defendant”), files its Notice of Removal of this action from the 365TH Judicial District Court, Maverick County, Texas to the United States District Court for the Western District of Texas, Del Rio Division, the Court for the District and Division encompassing the place for the lawsuit is currently pending. In support of this removal, Defendants rely upon the Appendix Filed in Support of Defendants’ Notice of Removal filed contemporaneously herewith and shows the following:

I. INTRODUCTION

1. On June 24, 2015, Plaintiff Yolanda De Leon Rivas filed her original petition in the 365TH Judicial District Court, Maverick County, Texas captioned *Yolanda De Leon Rivas v. Travelers Home and Marine Insurance Company*, Cause Number 15-06-31561-MCVAJA (the “State Court Action”).

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2. Plaintiff mailed the citation for the State Court action on July 28, 2015 and Defendant received the citation on July 31, 2015. *See USPS Tracking Information, Exhibit "B" hereto.*

**II.
BASIS FOR REMOVAL**

3. This Court has original jurisdiction over this State Court Action, pursuant to 28 U.S.C. §1332(a), because it is a civil action between citizens of different states where the matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs.

4. The Plaintiffs seek “monetary relief over \$100,000.00 but not more than \$200,000.00.” *See Exhibit A-2.* Accordingly, the amount in controversy in this matter meets and exceeds the federal jurisdictional minimum of \$75,000, exclusive of interest and costs

5. On the date of this removal and at all relevant times, Plaintiff Yolanda De Leon Rivas is an individual, resident citizen of Texas.

6. On the date of this removal and at all relevant times, Defendant Travelers Home and Marine Insurance Company is a citizen of the State of Connecticut because it is a Connecticut corporation with its principal place of business in the state of Connecticut.

7. Because the amount in controversy exceeds \$75,000 and Plaintiff is a citizen of Texas while no properly joined defendant is a citizen of Texas, this Court has original jurisdiction over the present action pursuant to 28 USC §1332. Therefore, removal is proper.

8. This action may be removed to this Court pursuant to 28 USC §1441(a), which allows for the removal of any civil action brought in the state court of which the District Courts of the United States have original jurisdiction, by the defendant or the defendants, to the District Court of the United States for the district and division embracing the place where such action is pending.

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9. This Notice of Removal is filed within thirty (30) days after service (on July 28, 2015) by Defendant of the State Court Action. This Notice of Removal has also been filed within one year of the filing of Plaintiffs' Original Petition by which the State Court Action was commenced. This Notice, therefore, is timely filed pursuant to 28 USC §1446 (b).

**III.
PROCEDURAL REQUIREMENTS**

12. In accordance with 28 USC section 1446 (D), Defendant will promptly give written notice of this Notice of Removal to Plaintiff through counsel of record and file a copy of this Notice of Removal in the 365^{THI} Judicial District Court, Maverick County, Texas.

13. Defendant reserves the right to amend or supplement this Notice of Removal.

14. The following are included in the Appendix filed contemporaneously with this Notice of Removal:

- (a) An index of all documents that clearly identifies each document and indicates the date the document was filed in the State Court Action;
- (b) A copy of each document filed in the State Court Action, except discovery material, arranged in chronological order according to the state court filing date;
- (c) A JS 44 Civil Cover Sheet attached as Exhibit C; and
- (d) A supplement to the JS 44 Cover Sheet for Cases Removed from State District Court attached as Exhibit D.

For the above reasons, Defendants give notice of the removal of the State Court Action to this Court and respectfully request that this action proceed before this Court as though it had originally been instituted in this Court.

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Respectfully submitted,

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By:


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ATTORNEY FOR DEFENDANTS

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing document has been filed with the Clerk of Court using the CM/ECF system and served via facsimile to the following counsel of record on this 27 day of August, 2015:

Bill L. Voss
Scott G. Hunziker
Zach Moseley
The Voss Law Center, P.C.
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The Woodlands, Texas 77380


ROBERT F. SCHEIHING